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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Forty-first session

PROVISIONAL SUMMARY RECORD OF THE 940th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 4 August 1992, at 10 a.m.

Chairman: Mr. VALENCIA RODRIGUEZ

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The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 7) (continued)

Fifth, sixth, seventh and eighth periodic reports of Belgium (CERD/C/194/Add.3) (continued)

At the invitation of the Chairman, Mr. Reyn, Mr. Santangelo, Mr. Van Craen and Mr. Wilmotte (Belgium) took places at the Committee table.

Mr. VAN CRAEN (Belgium) welcomed the opening of a dialogue between his country and the Committee, a dialogue which he hoped would lead to better mutual understanding. A number of members had asked for detailed statistics on points arising from the report: although his delegation could not provide them at the current session, it would be glad to supply them in writing at a later stage. The delegation would, of course, be most interested to hear the Committee's final conclusions and recommendations on the report.

Mr. WILMOTTE (Belgium) said that, for the sake of clarity, he would reply to questions raised according to subject, since the same questions had been put by more than one member.

One of the more important questions had concerned the relationship between international treaties on human rights and fundamental freedoms and Belgian domestic law. In principle, once Belgium had signed such a treaty, it would become law following ratification by Parliament: the difficulty arose over the fact that certain provisions of the treaty would automatically become directly applicable (or "self-sufficient") in Belgian law, whereas others would not. Where it was clearly stated in the text of the treaty that the provision concerned had a direct effect, it could be invoked before any Belgian court. However, where there was no such indication, it was for the courts to determine whether or not the provision was directly applicable.

The principle governing the issue was clear: jurisprudence dating from 1971 had established that wherever a provision of an international treaty had a direct effect, not only was it applicable in Belgian law, but judges would be required to implement it even if a subsequent law were to conflict with it. Thus, an adjudication by the Supreme Court in 1984 had recognized that virtually all the provisions of the Covenant on Civil and Political Rights were directly applicable in Belgian domestic law.

Clearly, however, most of the provisions of the Convention with which the Committee was concerned were not "self-sufficient", and thus the Belgian legislator had to take certain measures to give them direct effect. One such

measure had been the 1981 Act on the prevention of acts of racism and xenophobia, which had been discussed the previous day. He could assure members of the Committee that all the provisions of treaties on human rights and fundamental freedoms would be made directly applicable under Belgian law through the adoption, where necessary, of special legislation of that kind.

Another question had concerned the status in Belgium of nationals of European Community countries as compared with that of nationals of other States. Under the Treaty of Rome, European Community law was supranational, which meant that where international treaties were concerned sovereignty was transferred from the Belgian Government to the supranational authority vested in the European Community. Thus the right of workers to freedom of movement was recognized only for nationals of European Community States, and not for nationals of other States. Under the Treaty of Maastricht, the same principle applied to the right to vote and to stand for election: only nationals of European Community States were recognized as enjoying such rights, although there was nothing to prevent individual member States from conferring them on nationals of other countries resident in their territory. In his view, that situation did not constitute discrimination, but rather a system of differential treatment which was justified by the need to give priority to the objective of furthering European integration.

In reply to the question as to what was meant by "local elections" (para. 60 of the report), he said that the reference was to elections held in municipalities or small local communities as distinct from, on the one hand, national parliamentary elections, or on the other, regional or European Community elections.

In reply to the question on constitutional freedoms, article 128 of the Constitution enshrined a fundamental principle, namely that any alien on Belgian territory should enjoy the protection normally accorded to persons and property. Derogations from that principle implied in the phrase "save for the cases prescribed by law" were in fact extremely rare, the most significant one being that relating to the right of aliens to enter or leave Belgian territory. It was only to that extent that a discriminatory regime operated.

With regard to political, social and economic rights, discrimination was now practically non-existent. Previously there had been some discrimination in regard to social security benefits against Turkish and Moroccan nationals who had lived in Belgium for most of their lives, but that discrepancy had now

been remedied. Aliens enjoyed exactly the same rights as Belgians where participation in trade union activities was concerned. They could not only vote in works councils and health and safety committees, but could also be elected to such bodies: the latter was an important point, since in Belgium the trade unions played an active part in framing social legislation through collective labour agreements.

On the subject of work permits, any foreigner on Belgian territory had to obtain prior authorization before taking up employment, a requirement which did not apply to European Community nationals or to persons with recognized refugee status. In regard to the penalties imposed for failure to obtain a work permit, a distinction should be made between the self-employed or independent worker, who would be individually penalized, and the salaried worker: in the latter case, it would be the employer, not the employee, who was penalized.

A number of questions had been raised concerning Belgian practice in regard to refugees, notably under the 1991 "double percentages" Act. Under that Act, it was assumed that, on the basis of a twofold criteria, nationals of certain States could be deemed not to qualify for refugee status as defined in the Geneva Convention. The first criterion was whether, in the course of the preceding year, nationals of the country concerned had constituted more than 5 per cent of the total number of asylum-seekers, and the second criterion was whether fewer than 5 per cent of such nationals had been granted refugee status. It was important to note, however, that if the individual applicant could produce evidence that his life and liberty had been endangered in his country of origin, the assumption would be reversed, and the individual would qualify for refugee status. It should also be noted that even if the applicant came from a country whose nationals did not a priori meet the definition of a refugee under the Geneva Convention, he would nevertheless be entitled to appeal on the same basis as other asylum-seekers.

He was not yet able to provide any statistics, since the measure in question had only become law in July 1991, and in any event was only applicable for a one-year period. An application for the repeal of the measure was currently under consideration, and as a result the Belgian authorities were being very cautious about implementing its provisions. It should be realized that the law would only be applied in association with other procedures, and not in isolation.

Where the meaning of "irregular entry" was concerned, Belgian law differentiated between asylum-seekers requesting refugee status according to whether or not they were in the possession of the necessary documents, namely passports or visas. Persons who could present the proper documentation would be allowed into the country and would then go through the necessary formalities, but those who could not were subjected to a preliminary investigation at the border. If the investigation found that the application was clearly abusive, the asylum-seeker would be refused entry, but if it found that his case deserved further consideration, he would be admitted.

That system had led to a situation in which asylum-seekers had been delayed in transit zones for long periods, often under deplorable conditions. Accordingly, it had been decided to set up reception centres at airport border points, and in 1991 legislation had been passed limiting the duration of detention in such centres to a maximum of two months. Thus, if after two months the applicant had not been returned to his country, or if consideration of his case had not been finalized, he would automatically be admitted.

With regard to discrimination against asylum-seekers at the border, frontier Customs officials and law enforcement agents had no decision-making powers: their function was simply to take note of applications and to transmit them to the authorities. It was true that complaints had been made to the Belgian Government of discriminatory treatment on the part of certain frontier officials, and an inquiry was now under way. In the meantime, steps had been taken to improve the training of such officials, so that their role was more clearly defined.

In reply to further questions, he said that out of Belgium's total population of some 10 million, there were 64,000 German-speaking Belgian nationals. In 1991 there had been almost 14,000 Zairian nationals resident in Belgium, a figure which represented only 1.5 per cent of the total resident foreign population, although in view of Zaire's historical links with Belgium a higher percentage might have been expected. In the year 1988, Zairian nationals had accounted for 10 per cent of all asylum-seekers: in 1989 the figure had been 10 per cent, in 1990, 8 per cent, and in 1991, 13 per cent. Zairians were accorded the same treatment as asylum-seekers who were nationals of other non-Community States, but in view of the events that had taken place in the country in 1991-1992, the Belgian Government had decided to suspend any

removal measures against Zairian nationals (with the exception of those guilty of offences under the ordinary law) pending clarification of the situation.

On the matter of visas required by foreign nationals to enter Benelux countries, Belgium's policy was identical to that of its Benelux partners, namely the Netherlands and Luxembourg. The regulations governing the issue of such visas were the same in all three countries, apart from the fact that applications to enter, for example, the Netherlands, would normally be handled by Netherlands consulates and embassies. The treatment of applicants would vary only to the extent that the issuing of visas might take longer in some cases than others, owing to local conditions.

Mr. SANTANGELO (Belgium) said it had been asked whether the 1981 Act on the prevention of acts of racism and xenophobia applied also to Belgians: the answer was in the affirmative. Thus, a court had recently convicted a youth for using the term "dirty Belgian". If the action concerned involved the race, colour or national or ethnic origin of either Belgians or naturalized Belgians, the Act would apply. It had been introduced partly in order to combat acts of racial discrimination committed against Belgian Jews.

While the requirement that the action concerned should be public might be seen as constituting a restriction, the intent of the law was not to eliminate racism, but rather to punish acts of incitement to racial hatred and violence, acts which would necessarily be public in character. For example, a café in Namur had recently refused to serve a Moroccan national, but since there were no witnesses, the individual concerned could take no action. When he had later returned with witnesses and the same incident was repeated, he had brought an action, which had subsequently been allowed on appeal to the court in Liège. In Belgium, as in most other countries, the principle of freedom of expression was sacred and was enshrined in the Constitution, and great caution had to be exercised in allowing any derogation from that principle. Thus, the Act contained stringent requirements as to proof of racist or xenophobic acts.

Recapitulating the facts of a case in which a war veterans' association had issued an open invitation to a social event in its newsletter, using the equivalent of the expression "Everyone welcome; no wogs" ("bougnouls"), he said that for some reason the preliminary investigation conducted at the time had found that there was no evidence of racist intention. It had been an isolated case, however, and subsequent court rulings had found that the term "bougnoul" was racist. Anyone using it could now be prosecuted.

Regarding associations manifestly and repeatedly promoting or inciting racial discrimination, proof of intention was again required. Legal proceedings could be brought only against physical persons, as opposed to legal entities, the intent of the legislators being to undermine the existence of such associations through action against individual members guilty of racist acts or incitement. There was, however, a legal provision dating back to 1934 providing for the dissolution of paramilitary associations. Various racist and paramilitary associations had been dissolved and individual members convicted under that law.

The provision of a five-year period before an association could bring legal proceedings was intended to prevent the establishment of an association in connection with a particular case.

In response to a question by Mr. Banton about the 1981 Act, he said that it was intentionally very broad in scope so as to empower the judiciary to deal with all situations referred to it. For instance, although "revisionism" and "negationism" were not explicitly referred to in the Act, he could quote the example of a French historian who had been condemned twice for propagating his "negationist" theories of history in Belgium.

A Senate proposal to amend the 1981 Act had been introduced at the beginning of 1992, with a view to making it more effective. The proposed amendments included stricter penalties; making the refusal to allow occupation of a dwelling a punishable offence; broader provisions for prosecution in the event of discriminatory offers of services or publicity; and new provisions concerning the refusal to employ a person, or dismissal, on grounds of origin, race, colour and so on. The prohibition of discrimination in the workplace was already provided for under collective labour agreements. In all cases, it should be noted that proof of racist intention must be adduced.

On the question of minorities, Belgium, with its current population mix, did not recognize minorities as such. Associations and organizations representing particular groups could, of course, be formed and were encouraged, even receiving subsidies, provided their activities were not contrary to the interests of the general community. Such associations and organizations were very active in Belgium. The general emphasis in Belgium, given the present trend towards a multicultural society, was to encourage individual integration into the community. In more general terms, Belgium

would have no problem in ratifying an international convention on minorities, especially since the terminology proposed referred to individuals belonging to minorities.

Any State could grant certain rights to its nationals that it did not grant to non-nationals, the justification being that such rights - particularly certain political rights and those concerning military service - were based on the special link between nationals and their State. Provisions regarding affirmative action or what Belgium preferred to call "positive action" were not intended to give foreigners certain advantages not enjoyed by Belgians, but to ensure that all persons could take an active part in society. Such action was taken, for example, in employment.

With regard to Mr. Banton's questions about paragraphs 74 to 76 of the report and access to public service posts, proposals giving non-nationals access to certain established posts in the civil service had not yet been adopted, but at the national level, non-nationals could hold public service posts under renewable contracts. Posts at the Community level were open to everyone irrespective of nationality. A growing number of public service departments or "parastatal" authorities, such as the public transport authority, were open to non-nationals, and recent measures had been taken to open up recruitment in such areas as the police auxiliary forces. Representation of foreigners through advisory councils, described in section B of the report, was actively ensured at the Community and local levels, ensuring participation by foreigners in local management, either as individuals or as members of associations.

On the subject of education, there were unfortunately some schools attended primarily or even exclusively by non-Belgians, as a result of a concentration of foreign residents in the areas concerned. Steps had been taken in recent years to improve the situation, not specifically to "deconcentrate" the areas in question but to promote equality of educational opportunity and improve teacher training. The Community authorities, which were responsible for education, encouraged intercultural education in all schools, particularly by introducing intercultural subjects into the curriculum.

Special training programmes had been introduced in recent years for administrative personnel, such as members of the police force and local authorities, to make them more sensitive and responsive to people with different lifestyles and cultural backgrounds.

With regard to the Islamic religion, the report requested of the Council of Elders referred to in paragraph 95 of the report was currently being examined, and it was hoped that the outcome would resolve the problems concerning the appointment and payment of ministers of the Islamic religion on the same footing as those of the other religions, in conformity with Belgium's pluralistic policy. Those problems had arisen because there had until recently been no recognized authority representing all Islamic communities which the Government could consult. There was at present one subsidized Islamic school, a nursery school, and it was expected that the number would increase in the future. There was no official ban on wearing the Islamic veil at school, the only possible exception being schools in which pre-existing rules prohibited the wearing of any kind of distinctive religious emblem or dress, of which parents would have been aware before enrolling their children. Such rules must, of course, be in conformity with anti-racist legislation.

In the health sphere, measures had been taken to facilitate relations between foreign patients and medical staff, such as the provision of interpretation in hospitals and special training for medical personnel.

Low-cost housing was available for all underprivileged sectors of society without discrimination, and tenants' associations were encouraged.

In response to questions about the activities of extremist parties, he said that extreme racist groups were covered by the 1981 Act, but that, in general, the Government's policy was to tackle the problem by seeking to influence those who voted for such parties, fostering attitudes of tolerance and understanding. On the subject of the appointment of a Crown Commissioner for Immigration and the creation of a national centre for the integration of immigrant communities and against discrimination, a draft law had already been through a first reading and it was hoped that the centre would commence operation in 1993. It would be responsible for research and documentation and would provide advice and make recommendations to the authorities on the application of the 1981 Act and any other means of action against all forms of racial discrimination, an example being the application of a code of conduct

in the workplace. It would help to publicize the 1981 Act both in the Community at large and among those professionally concerned with implementing national legislation and the International Covention on the Elimination of All Forms of Racial Discrimination, such as judges and magistrates. It was to be directly accountable to the Office of the Prime Minister, to which it would be required to report annually, and would also be the body responsible for reporting to the Committee on the Elimination of Racial Discrimination.

Mr. VAN CRAEN (Belgium) said that he would be responding to some of the questions of a more general nature raised by Committee members. On the subject of the State reform, he was gratified to hear the Committee's laudatory comments, although it must not be forgotten that the reform in itself did not provide a direct response to all the issues dealt with by the Committee. The Belgian State was responsible to the international community and must guarantee the fulfilment in practice of all its commitments through all the autonomous structures that had been set up. Regarding the manner in which the system operated in practice, there were three Communities, the Flemish, the Walloon and the German-language Community, each of which had its own powers in regard, broadly, to culture, education and policies concerning groups of persons such as young people, the elderly, etc. The German-language Community, like the other two, was not considered to be a minority, but had equivalent powers and mechanisms. Then there were three Regions: the Flemish Region, the Walloon Region and the Brussels-Capital Region, which was bilingual. All those entities had their own mechanisms similar to those operating at the national level, with an executive power, a legislative power and a certain degree of financial autonomy. The whole system was based on the fundamental concept of "linguistic territories", of which there were four - the Flemish, Walloon, German-language and bilingual territories. It was in the frontier areas between those linguistic territories that problems might arise, and it was there that special arrangements had been devised to ease or facilitate transition and adaptation from one territory to another.

Several questions had been asked about how Belgium's commitments towards the international community were guaranteed in such a context of divided authority. Belgium complied fully with all its commitments and had internal mechanisms for that purpose. Its policy could be summed up in one word: "dialogue", which was a continuing process operating between the Communities and the Regions and between them and the Belgian State. Consultation and

coordination committees (comités de concertation) operated at all levels for that purpose. Of course, not all problems could be resolved through dialogue, but the Court of Arbitration had overall competence to deal with disputes. There could be no doubts about the Belgian State's responsibility for guaranteeing all its commitments to the international community.

Much had been said about Belgium's membership of the European Community, which was of long standing. In fact, Belgian foreign policy in respect of human rights and racial discrimination was in great part determined by participation in the Community and its institutions. In addition, Belgium had been a member of the Commission on Human Rights from 1986 to 1991, and was now represented in that body by an observer, and as a member of the Security Council, it had voted in favour of many resolutions condemning human rights violations.

With regard to article 14 of the Convention, and in particular its paragraphs 1 and 2, Belgium had shown its willingness to respond positively by initiating (admittedly lengthy) procedures for incorporating those provisions in legislation. It should be pointed out that the European Community itself provided individuals with a variety of remedies in the event of grievance, including recourse to the European Court of Human Rights.

Outside the framework of the Community, an efficient system of protocols was available whereby financial arrangements with States could be suspended if human rights were abrogated.

In conclusion, he said that acceptance of the wider concept of European union would do much to help eliminate any discrimination against foreigners, a question that had also been raised in the course of the discussion.

Mr. FERRERO COSTA said that, as Country Rapporteur, he wished to compliment Belgium on the thoroughness of its eighth periodic report and the detailed replies given orally by its representatives. However, some points could usefully be amplified. In particular, more statistics on population would be welcome in the next periodic report, and greater information on complaints procedures: it was very important, for instance, to know more about the substance of complaints and the apparent discrepancy between the number of complaints and the number of convictions, and also about the way in which courts interpreted the Convention.

He welcomed the details given by the representatives of Belgium on the functions of the national centre for the integration of immigrant communities

and against discrimination and on the proposed amendments to the Act of 30 July 1981. He pointed out that the Act did not cover all the obligations arising from the Convention, and expressed the hope that the Committee's views would be made known to legislators.

Little attention had been paid in the report to minorities which were not French- or Dutch-speaking, in particular to the ways in which they could ensure respect for their rights, or to the status of foreigners in a country in which some 9 per cent of the workforce was of foreign origin.

Mr. ABOUL-NASR said that he wished to correct any misapprehension that he was accusing Belgium of double standards in connection with human rights. What he had meant in his statement the previous day was that the Security Council, of which Belgium was a member, had been accused of such double standards - by the Secretary-General among others. Although the country itself had a good human rights record, it had an obligation under the Convention to use its influence to prevent the occurrence of violations elsewhere.

Mr. RECHETOV thanked the Belgian representatives for their candid replies to the Committee, and particularly to his query concerning the application of international human rights instruments in Belgium. Noting that the ratification process for such instruments appeared to be lengthy, he would like to know whether Belgium intended to assume an obligation under article 14 of the Convention.

Mr. WILMOTTE (Belgium) said that population statistics and information on such issues as complaints procedures and actual cases would be provided by the end of 1992, well in advance of the next periodic report.

With regard to article 14, he had been informed by his country's Ministry of Foreign Affairs that relevant legislation was pending.

On relations with South Africa, he said that Belgium had consistently pursued a common policy of opposition to apartheid with the other members of the European Community.

The proposed amendments to the 1981 Act were still at the stage of discussion in Parliament, but the Committee's comments would be duly noted and Parliament would be informed of the obligations arising under the Convention.

Mr. REYN (Belgium) said that he would need to consult with his Government to clarify Belgium's position on article 11 of the Covenant, although the existence of an obligation under that article was acknowledged.

Mr. Reyn, Mr. Santangelo, Mr. Van Craen and Mr. Wilmotte (Belgium) withdrew.

Eighth, ninth, tenth and eleventh periodic reports of Greece (CERD/C/210/Add.1)

At the invitation of the Chairman, Mr. Ioannu and Mr. Iliopoulos (Greece) took places at the Committee table.

Mr. IOANNU (Greece) said that the implementation of the Convention had already been outlined in earlier periodic reports, but that it would be useful to comment on the judicial machinery available in respect of racial discrimination. In particular, mention should be made of the provision in article 28, paragraph 1 of the Constitution, introduced in 1975, which affirmed that international instruments to which Greece was a party not only formed part of the law of the land, but took precedence over domestic legislation. In the event of a conflict, a judge must apply the relevant international provisions.

With the ratification of the Convention on the Elimination of All Forms of Racial Discrimination in 1970, judges were called upon to apply all of its provisions, since international instruments always took precedence over domestic legislation. Thus a legal framework existed under which violations of the Convention were treated as criminal offences. However, as Greek society was traditionally tolerant towards other races and groups, the legal mechinery had not been put to the test, and no complaints of discrimination had been submitted to the national courts. In the event of any complaints arising, they would be dealt with by the Office of the Attorney-General.

With regard to South Africa and the sanctions against that country, Greece had ensured that its domestic legislation complied with Security Council resolutions. Similarly, as a member of the European Economic Community, it had fully complied with all action taken with respect to South Africa. Greece had ratified most international conventions prohibiting discriminatory behaviour and was in the process of establishing a separate administrative body to deal with human rights in general. Since 1985, it had accepted an individual's right to appeal to the European Commission of Human

Rights, but few complaints had been brought before the Commission. He was sure that, with the help of the new human rights body, Greece would be in a position to expedite the submission of its reports.

Mr. WOLFRUM, speaking as country rapporteur, said that Greece had submitted its eighth, ninth, tenth and eleventh reports in a single document, a document which did not fully comply with the Committee's guidelines for the preparation of reports. The information provided on judicial and administrative measures was limited and the information on the demographic composition of the population was only partial. The report failed to state how many foreigners were living in Greece and what their status was under Greek law.

He drew the Committee's attention to paragraphs 5 to 7, which dealt with constitutional matters, and to paragraph 8, which dealt with accession to international instruments, and referred to the safeguards for individuals and organizations included in the Greek Constitution. The report stated that, for the purpose of uniformity with the Convention, the prohibition of discrimination based on race had been added to the text of article 5 of the 1975 Constitution and Parliament had established a special regime for the punishment of acts or activities which could give rise to racial discrimination.

Legislation provided for imprisonment for a maximum term of two years or a fine. Cases of propaganda or activities of any nature giving rise to racial discrimination were also punishable by law. According to his information, article 192 of the penal code provided for a term of imprisonment of up to two years for anyone openly or otherwise disturbing the public peace by fomenting violence and division among citizens. He would like to know whether any cases had been decided under that provision and what specific charges had been brought against Doctor Sadik Ahmet and Mr. Ismail Serif in January 1990. Similarly, he inquired why no action had been taken to punish those who had initiated riots against members of the Turkish minority in 1990.

Greece was a party to the European Convention on Human Rights, to the second, third and fifth Additional Protocols, to the International Covenant on Economic, Social and Cultural Rights and the European Social Charter. It had shown its respect for the value of the human person by becoming a party to the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Prevention and

Punishment of the Crime of Genocide and the Slavery Convention. He believed that the Greek legal system was quite open to the implementation of international law, although paragraphs 10 to 12 of the report did not fully explain how the system worked. Under article 28 of the Greek Constitution, as a result of ratification and entry into force according to the established procedure, the generally recognized principles of international law and international conventions formed an integral part of internal Greek law and took precedence over any contrary provision of that law. The report indicated that judicial decisions had referred to that basic provision less in connection with possible conflicts with internal law than to emphasize that international law took precedence. The report failed to provide detailed information on that point.

It would have been useful for the Committee to know whether courts or administrative bodies had acted on the basis of the Convention on the Elimination of All Forms of Racial Discrimination, or other international human rights instruments. If so, the report should have included details of any relevant case or cases and explained whether the international instrument had been used to modify Greek law or had served directly as a basis for action. He drew the attention of the representative of Greece to the fact that, under article 9 of the Convention, States parties had an obligation to report not only on their legal system but on the relevant practice of courts and administrative bodies.

Where the implementation of article 2 of the Convention was concerned, he complimented Greece on the abolition of a practice which had been previously criticized, namely the refusal to appoint Christian teachers of the Catholic faith to work in public primary schools. Act No. 1771 of 19 April 1988 authorized the appointment of persons of any religion or faith as primary school teachers in both nursery and primary schools. It would have been interesting to know how many teachers of non-Christian orthodox faith had been appointed and to which religion or faith they belonged.

In connection with the same articles, it would be useful to have precise figures for Muslims living in western Thrace. That minority, 50 per cent of whom were of Turkish ethnic origin, seemed to be dissatisfied with their legal position and had complained of discriminatory practices against them. Letters had been received by members of the Committee and although they had not been official communications under article 14 they had, nevertheless, influenced

the members. Greek Muslims complained of harassment by Greek authorities, bureaucratic obstacles to obtaining permits for building and repairing houses, refusal of loans from State-controlled banks, to name but a few problems. Such complaints needed to be looked at in more detail. The conclusion of the Treaty of Lausanne of 1923, which had ended the Greco-Turkish war, had been accompanied by the signature of a convention providing for a compulsory exchange of population. However, two population groups had been excluded: namely Greeks living in Constantinople and Turks living in western Thrace. Since 1923, the percentage of Turks had dropped from 64 per cent (according to the Turkish authorities) or 51 per cent (according to the Greek authorities) to 33 or 36 per cent. So, at least 300,000 people of Turkish ethnic background apparently emigrated since 1923. He would like to hear an explanation for such a mass emigration.

The legal system of Greece did not seem fully to provide for equal treatment for all Greek nationals, since, under the Greek nationality Act of 1955, a person of non-Greek ethnic origin who left Greece, not intending to return, could be declared to have lost Greek nationality. It was not clear how the authorities could establish such an intention. He was also concerned that such a decision could be made by the Minister of the Interior without a hearing, judicial review or the right of appeal. He would like to know how many persons had lost their nationality under the provision.

Greek officials seemed reluctant to use the term "Turkish minority" and to prefer the term "Muslim minority". The belief that the word "Turkish" referred only to citizens of Turkey and not to citizens of Greece was widespread. He would like to know whether it was true that most Turkish associations in western Thrace had remained closed following a High Court decision in 1988 ordering their closure on the ground that the use of the term "Turkish" to describe Greek Muslims endangered public order.

The report provided very little information on the implementation of article 2, paragraph 1 (b), of the Convention, and on article 2, paragraph 2, of the Convention. With regard to the latter provision, the report stated that the teaching of the rules of Islam and of the Turkish language was part of the curriculum in 260 primary and secondary schools in Thrace, and that such instruction was free of charge. However, the Turkish minority had

complained of restrictions on its religious freedom. It was, in particular, concerned about the appointment of muftis by the Minister of Religious Affairs.

The information on the school system needed to be supplemented. He would like to know how many of the schools where Turkish was taught were secondary schools, how many students were enrolled, whether it was necessary to pass a Greek language test for admission, and whether the true needs of Turkish speakers were being met.

With regard to the right to freedom of movement and residence within the borders of Greece, he would like information on the degree to which western Thrace was a restricted area and on the ensuing effect on the inhabitants of the area, especially Pomaks and members of the Turkish minority. Was it true that the Pomaks in the Rhodopes mountains were virtually living under military surveillance. Further information was also needed on the confiscation of passports, temporarily or permanently. The same applied to complaints that members of the Turkish minority were experiencing difficulties in obtaining a licence to buy or sell land, houses or businesses. Statistics were also needed for the percentage of members of the Turkish minority who owned property, in view of complaints from the Turkish community that land was frequently confiscated from Greek Turks but rarely from other Greeks.

Finally, further information would have been appreciated on the implementation of article 5 (c) of the Convention. The report contained little information on the electoral system and the number of members of minorities who were members of Parliament. He would also like to know what Greece's position was towards the former Yugoslavia and, particularly, to the demands of self-determination made by the Republic of Macedonia.

The meeting rose at 1.10 p.m.